

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: non-jury by Court 5-4-71

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
<p>Bank Building and Equipment Corporation of America, a corporation</p> <p>vs</p> <p>Jack W. Kelley, an individual, Thomas F. Marshall, an individual, Kelley/Marshall, Inc., a corporation, and Transamerica Investment Group, a limited partnership, composed of the following general partners: Jack W. Kelley, Thomas F. Marshall, Clyde L. Johnson and Vernon Barge, and composed of the following limited partners: John H. Baird, Cardinall Illinois, Inc., Bill Chapin, Clariden Corporation, Charles B. Collins, Norman Foy, William H. Mortensen, Roy D. Freeman, Elisha Gray II, Bruce Kendrick, George Kendrick, George R. Norman, Thomas D. Mann, Frank Reichel, Jr., Roger B. White and Paul D. Wurzbarger</p>		<p>For plaintiff: 587-1128</p> <p>Robert S. Rizley &amp; Joel Wohlgemuth Crawford, Rizley &amp; Prichard 1414 First National Bldg. Tulsa, Okla. 74103</p> <p>Walter M. Clark Armstrong, Teasdale, Kramer &amp; Vaughan 611 Olive Street, Suite 1950 St. Louis, Mo. 63101</p> <p>For defendant: 584-6101 Irvine Ungerman Ungerman, Grabel, Ungerman &amp; Leiter 625 Wright Building Tulsa, Oklahoma</p>					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed 8-1-70	Clerk	7-10-70	Rizley	15 00			
		7-16	C.D. #3			15 00	
J.S. 6 mailed 2-1-72	Marshal						
Basis of Action: Suit for fees due on construction contracts	Docket fee						
	Witness fees						
Action arose at: Tulsa	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-10-70	Complaint, filed. Summons issued. m	
7-14-70	Summons returned - served Thomas F. Marshall and Jack W. Kelly at Tulsa, Oklahoma on July 13, 1970. filed. v	
7-27-70	Application for Extension of time to plead or answer filed by def.h	
7-27-70	Order Extending Time within which to plead or answer filed. It is ordered that said defendants, Jack W. Kelley, Thomas F. Marshall, Kelley-Marshall, Inc. and Transamerica Investment Group, granted until Sept. 2, 1970 to plead or answer. (JHP-h)	
8-31-70	Application of defendants, Jack W. Kelley, et al for extension of time to plead or answer, filed. b	
8-31-70	Order filed, granting defendants, Jack W. Kelley, an individual, Thomas F. Marshall, an individual, Kelley-Marshall, Inc., a corp., and Transamerica Investment Group, a limited partnership, an extension until 9-22-70 within which to plead or answer. (Fred Daugherty-Judge) b	
8-31-70	Copies of above mailed to parties. b	
9-22-70	Application of defendants Jack W. Kelley, et al for an extension of time to plead or answer, filed. b	
9-22-70	Order of 9-21-70 filed, extending time within which to plead or answer, of defendants, Jack W. Kelley, an individual, Thomas F. Marshall, an individual, Kelley-Marshall, Inc., a corporation, and Transamerica Investment Group, a limited partnership, to October 15, 1970. (Fred Daugherty - Judge)	
10-14-70	Answer of defendants, Jack W. Kelley, an individual, Thomas F. Marshall, an individual, Kelley-Marshall, Inc. a copr. and Transamerica Investment Group, a Limited Partnership, filed. ds	
1-11-71	Ordered by the Court that this case is set for pre-trial hearing on Tuesday, January 26, 1971 at 10:45 A. M. (Fred Daugherty - Judge) b	
1-26-71	Ordered by the Court that this case is stricken from the pre-trial assignment of this date by agreement of parties. (Fred Daugherty-Judge) b	
2-24-71	Ordered by the Court that this case is set for pre-trial on Wednesday, March 3, 1971 at 10:15 A. M. (Fred Daugherty-Judge) b	
3-3-71	Ordered by the Court that this case is stricken from the pre-trial assignment of this date by agreement of counsel. (Fred Daugherty-Judge) b	
4-5-71	Ordered by the Court that this case is set for pre-trial on Wednesday, April 14, 1971 at 11:00 A. M. (Fred Daugherty - Judge) b	
4-14-71	Partial pre-trial hearing held. Defendant files application to amend, order granting leave to amend and amended answer and counter-claim in open Court. Plaintiff withdraws request for jury trial. Case set for further pre-trial on May 4, 1971 at 9:00 A.M. (Fred Daugherty - Judge) b	
4-14-71	Amended answer and counter of defendants, Jack W. Kelley, an individual, et al., filed in open court. b	
4-14-71	Application for leave to file amended answer and to set up omitted counterclaim, filed in open court. b	
4-14-71	Order granting leave to file amended answer and to set up counter-claim therein, filed in open court. b	
5-4-71	Pre-trial hearing held, case to be set on non-jury assignment, and plaintiff to prepare pre-trial order. (Fred Daugherty-Judge) b	
6-16-71	Motion to Dismiss Defts' Counter-Claim or, in the alternative, for S/J, filed by Pltff. Filed. r <i>mailed</i>	
6-16-71	Brief in support of Motion to Dismiss Defts' Counter-Claim, filed. r <i>mailed</i>	
6-22-71	Letter dated 6-21-71 from Judge Daugherty to Ungerman Firm directing Defts to respond to Alternative Motion with brief within 15 days from 6-21-71. Filed. r	

(OVER)

## D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-8-71	MINUTE ORDER: Ordered by the Court that defts are granted an extension of time to 7-20-71 in which to respond with brief to Pltfs Motion to Dismiss Counterclaim or in alternative for S/J. (FD-J)(Letters Mailed)	
7-16-71	Deft's Response to Pltf's Motions and Brief for Dismissal of Deft's counter-claim or, in the alternative for S/J, filed. r <i>Mailed</i>	
7-28-71	Plaintiff's reply brief to defendants' response to plaintiff's motions and brief for dismissal of Deft.s' counter claim or, in the alternative, for summary judgment, filed. v <i>Mailed</i>	
8-24-71	Ordered by the Court to set case for Oral Arguement on Wednesday, September 8, 1971 at 1:30 P.M. (FD-J)r	
8-26-71	Supoena issued. r	
9-1-71	Deposition subpoena, ret. & filed: served Jack W. Kelley, Tulsa, Ok. 8-30-71. (USM \$2.00)g	
9-8-71	Hearing held on Oral Argument and Pltfs' Motion to Dismiss defts' Counter-Claim or in the alternative, for summary Judgment. Parties represented. Statements made. Court finds that deft. is not entitled to anymore than the finders fees of $\frac{1}{2}\%$ . Court also finds that the defts' Counter-Claim has no validity. The Motion to Dismiss Counter-Claim is overruled. Case is not to be set on Non-Jury Docket before 60 days from this date. (FD-J)r	
9-10-71	Order filed. The Court is unwilling to eliminate the counterclaim from the case by way of either a motion to dismiss or a motion to grant summary judgment on same. The alternative motion is overruled with foregoing observations about the way the court feels about the Defts' counterclaim on the present state of the record. Filed. (FD-J)r <i>Mailed to attys</i>	
1-6-72	Motion of Plaintiff for Dismissal of Action and Cross-Action with Prejudice, filed. v --no brief, but order that is sent to Judge.	
1-6-72	General Release of All Claims and Demands of the Deft.s, filed. v	
1-6-72	Release of All Claims and Demands of the Pltf., filed. v	
1-11-72	Order Dismissing Pltf's Complaint and Deft's Counter-Claim with Prejudice, filed and entered. (FD-J)r (Copies mailed to all attys)	

*all  
debt  
unpaid  
when order  
comes in*

DATE	PROCEEDINGS	Date Order or Judgment Noted